UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

E.T., by and through her parents and next)
friends; J.R., by and through her parents and	
next friends; H.M., by and through her parents	
and next friends; E.S., by and through her	
parents and next friends; M.P., by and through	
her parents and next friends; S.P., by and)
through her parents and next friends; and A.M.,	Civil Action No. 1:21-CV-00717-LY
by and through her parents and next friends.)
Plaintiffs,	
v.	
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MIKE MORATH, in his official capacity as the	
COMMISSIONER of the TEXAS	
EDUCATION AGENCY; the TEXAS	
EDUCATION AGENCY; and ATTORNEY	
GENERAL KENNETH PAXTON, in his	
official capacity as ATTORNEY GENERAL	
OF TEXAS,	

Defendants.

PLAINTIFFS' NOTICE OF STATUTORY AND REGULATORY AUTHORITY RELIED UPON FOR SECTION 504/ADA CLAIMS

Pursuant to the Court's instruction at the October 6, 2021 trial, Plaintiffs submit this list of statutory and regulatory authority relied upon for their claims brought under the Americans with Disabilities Act of 1990 ("ADA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504").

- Title II of the ADA Statutory and Regulatory Authority
 - Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 12134 (1990) (see § 12132 providing for the prohibition on discrimination against

individuals with a disability and § 12134 authorizing the Attorney General to promulgate regulations that implement Title II)

- o 28 C.F.R. § 35.130(b)(1)(i)-(ii), (vii) (2016)
- o 28 C.F.R. § 35.130(b)(7)(i) (2016)
- o 28 C.F.R. § 35.150 (2012)
- Section 504 Statutory and Regulatory Authority
 - Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (2016) (see §
 794(a) authorizing federal agencies, including the Department of Education, to promulgate regulations to carry out Section 504)
 - o 34 C.F.R. § 104.4(b)(1)(i) (2000)

Dated: October 7, 2021

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICAE OF SERVICE

The undersigned certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on October 7, 2021.

/s/Thomas Melsheimer
Thomas Melsheimer